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Docket No.: C15043/174944

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :)
Harold M. Bates)
Serial No.: 10/777,543) Examiner: D. Venci
Filed: February 12, 2004) Art Unit: 1641
For: DETECTION OF ASYMPTOMATIC)
CORONARY ARTERY DISEASE)
USING ATHEROGENIC PROTEINS)
AND ACUTE PHASE REACTANTS)

New York, NY
August 5, 2009

THIRTEENTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant wishes to bring to the Examiner's attention the following enclosed document:

1. Marketing Brochure, "The Oxidized LDL Triple Marker Test: Taking Preventive Cardiology to a Higher Level", Shiel Medical Laboratory, 2009 ("the Brochure"). The Brochure describes advantages of the commercially available Oxidized LDL Triple Marker Test. The Brochure discloses that the Oxidized LDL Triple Marker Test "[c]ombines and [i]ntegrates [t]hree [p]athophysiological [c]omponents of the

[a]therosclerotic [d]isease [p]rocess with [t]hree [c]orresponding [i]ndependent [b]iomarkers....” (Page 2, lines 1-2.) The “[p]athophysiological [c]omponent[s]” are listed as atherogenesis, anti-atherogenesis, and inflammation, and the “[c]orresponding [b]iomarker[s]” are listed as oxidized LDL (OxLDL), high-density lipoprotein (HDL) and high sensitivity CRP (hs-CRP), respectively. (Page 2, table.) The Brochure also discloses that use of the Oxidized LDL Triple Marker Test “[i]dentifies [s]ignificantly [m]ore [p]atients with [c]oronary [a]rtery [d]isease [t]han [a]ll [o]ther [c]urrently [a]vailable [b]iomarker [t]ests.” (Page 2, lines 5-6.) Furthermore, the Brochure discloses that “the [o]xidized LDL [t]riple [m]arker [t]est is the best discriminator between CAD and non-CAD patients.” (Page 4, lines 1-2 and subsequent bar graphs.)

As can be seen at the bottom of page 4 of the Brochure under the heading “REFERENCES,” the last two lines, “United States Patent Application: 0050181451” is listed. The Brochure thus refers to the present application.¹ The Brochure also references “Harold M. Bates, Ph.D., of Shiel Medical Laboratory...” Harold M. Bates is the sole inventor of the present application.

It is respectfully requested that the Examiner consider the Brochure in its entirety with regard to its favorable bearing on the patentability of the claims.

This Thirteenth Supplemental Information Disclosure Statement is being filed in accordance with 37 CFR § 1.97(b)(3), before the mailing of a first Office Action

¹ In referring to the present application, the Brochure would more accurately have recited US Patent Publication No. 20050181451.

on the merits. It is believed that no fee is due. If it is deemed that a fee is owing, please charge our Deposit Account No. 02-4467.

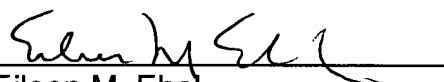
With regard to previously filed Information Disclosure Statements, we await the Examiner's sign-off of review of prior documents listed on Forms PTO/SB/08. We remind the Examiner that in the Interview held March 11, 2008, the Examiner indicated that the acknowledgment of review will be included with the next issued Action. (See the Interview Summary section of the Response After Final Including Amendment dated March 17, 2008, which was also provided as the Submission accompanying the Request for Continued Examination dated May 5, 2008, page 22.)

If the Examiner has any questions about the present paper, the Examiner is welcome to contact the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 5, 2009.



Respectfully submitted,

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